

ORDINANCE 2004 054

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING LAND DEVELOPMENT REGULATIONS CONCERNING WATER TREATMENT FACILITY SETBACKS CONTAINED IN THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS; TABLE 4.B.1.A-12; PROVIDING FOR: REPEAL OF LAWS IN CONFLICT; SEVERABILITY; CAPTIONS; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

**WHEREAS**, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

**WHEREAS**, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

**WHEREAS**, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

**WHEREAS**, the Board of County Commissioners hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

**WHEREAS**, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

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1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

3  
4 **Part I. Amendment to the Unified Land Development Code.**

5 Article 4, Chapter B, Section 1.A.139, Table 4.B.1.A-12 - Water Treatment  
6 Facility Setbacks, is hereby amended as follows:

7 **Article 4 Use Regulations**  
8 **Chapter B Supplementary Use Standards**  
9 **Section 1 Uses**

10 **A. Definitions and Supplementary Standards for Specific Uses ...**  
11 **139. Water or Treatment Plant ...**

12 **a. Location ...**

13 **b. Odor ...**

14 **c. Compatibility**

15 For purpose of this Section, the AR district is not considered a  
16 residential district. Required setbacks, screening and buffering  
17 are as follows:  
18

**Table 4.B.1.A-12 - Water Treatment Facility Setbacks**

Type/Capacity	Type of Facility	Setback <sup>1</sup>
Water treatment facilities over two millions gallons per day capacity.	Treatment units and chemical storage	200 feet
	Units which cause airborne sulfides	500 feet <sup>1 2</sup>
	Accessory facilities	100 feet
Water treatment facilities up to two million gallons per day capacity, including package treatment facilities	Treatment units and chemical storage	100 feet
	Units which cause airborne sulfides	250 feet <sup>2 3</sup>
	Accessory units	100 feet

Notes for Table 4.B.1.A-12, Water Treatment Facility Setbacks:

1 Setbacks may be reduced by fifty percent for facilities using enclosed membrane treatment process without Chlorine gas, along property lines adjacent to parcels with a PO zoning district and INST FLU designation, or AP zoning district and FLU designation.

4 2 Odor Control. Unless treatment for removal of sulfides for odor control is included.

2 3 Maximum building height. Structures higher than 35 feet are allowed provided the following setbacks are met:

- a. The minimum yard setback of this section; and  
b. An additional one foot setback for each one foot in height exceeding 35 feet.

19  
20 **Part II. Interpretation of Captions**

21 All headings of articles, sections, paragraphs, and sub-paragraphs used in  
22 this Ordinance are intended for the convenience of usage only and have no  
23 effect on interpretation.

24 **Part III. Providing for Repeal of Laws in Conflict**

25 All local laws and ordinances in conflict with any provisions of this Ordinance  
26 are hereby repealed to the extent of such conflict.

Underlined language indicates proposed new language.  
Language crossed-out indicates language proposed to be deleted.  
... (ellipses) indicates language not amended which has been omitted to save space.  
Relocated language is shown as *italicized* with reference in parenthesis.



1        **Part IV. Severability**

2        If any section, paragraph, sentence, clause, phrase, word, map, diagram, or  
3        any other item contained in this Ordinance is for any reason held by the Court to  
4        be unconstitutional, inoperative, void, or otherwise invalid, such holding shall not  
5        affect the remainder of this Ordinance.

6        **Part V. Inclusion in the Unified Land Development Code**

7        The provisions of this Ordinance shall be codified in the Unified Land  
8        Development Code and may be reorganized, renumbered or relettered to  
9        effectuate the codification of this Ordinance.

10       **Part VI. Providing for an Effective Date**

11       The provisions of this Ordinance shall become effective upon filing with the  
12       Department of State.

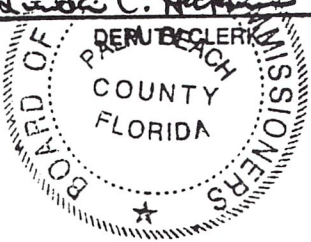
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14       **APPROVED and ADOPTED** by the Board of County Commissioners of  
15       Palm Beach County, Florida, on this the 18th day of NOVEMBER,  
16       2004.

17       DOROTHY H. WILKEN, CLERK

18       Board of County Commissioners

19       By: [Signature]

20       

21       COUNTY CLERK

22       COUNTY

23       FLORIDA

24       BOARD OF COUNTY COMMISSIONERS

25       PALM BEACH COUNTY, FLORIDA, BY ITS BOARD

26       OF COUNTY COMMISSIONERS

27       By: [Signature]

28       FOR: Tony Masilotti, Chair

29       APPROVED AS TO FORM AND

30       LEGAL SUFFICIENCY

31       By: [Signature]

32       County Attorney

33       EFFECTIVE DATE: Filed with the Department of State on the 24 day

34       of November, 2004.

35       STATE OF FLORIDA, COUNTY OF PALM BEACH

36       I, SHARON R. BOCK, Clerk and Comptroller

37       certify this to be a true and correct copy of the original

      filed in my office on November 18, 2004

      dated at West Palm Beach, FL on 11/2/05

      By: [Signature]

      Deputy Clerk